THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO : 14739 of 2005

DATE: 15.11.2005

Between:

Mohd. Jahangir Ali, S/o Late Mohd. Yaseen Ali, Aged about 54 years, Occ. Business, R/o 17-8-462/11/D, Baghjahara, Hyderabad

Petitioner……..

And

1. The Commissioner of Police, Cyberabad and others.

Respondents……..

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ORDER:

Heard the learned counsel appearing for the petitioner and also the learned Government Pleader for Home.

The petitioner submits that one Sri Syed Yad Ali Shah Khadri and two others, who are the absolute owners and possessors of the land bearing Sy.Nos. 1 and 3 to 8, totally admeasuring Ac. 75, situated at Fakeermalla Village, H/o Kurmalguda Village and Gram Panchayat, Saroornagar Mandal, Ranga Reddy District, have executed a General Power of Attorney dated 8.1.1996 in favour of the petitioner in respect of the said land, authorizing him to receive amounts and execute registered sale deeds in favour of prospective purchasers and also to look after the said property including its development. In pursuance of the same, the petitioner has developed the said property and obtained the sanctioned lay out from the Kurmalguda Gram Panchayat.

Subsequently, he also sold about 800 plots to the prospective purchasers and executed registered sale deeds.

While so, it is stated that the Circle Inspector of Police, P.S. Pahadisheriff, Cyberabad, Hyderabad, called the petitioner to the police station on the ground that a complaint is lodged against him in respect of the said property by some persons, disputing about the rights over the property. Without furnishing any details of the said alleged complaint and copies of the said documents and without registering any FIR, the petitioner was called for to the police station and being threatened with dire consequences. As the petitioner did not yield to the demands of one Chandra Reddy, Malla Reddy and K. Narsimha Reddy, who have an eye on the said remained unsold 120 plots in the said layout, the second respondent is unnecessarily interfering with the personal life and liberty of the petitioner.

If any report is filed by any person alleging that the petitioner has committed a cognizable offence, it is always open for the concerned officer in-charge of the Police Station to register FIR against the person, but without registering a case, the police cannot interfere with the personal life and liberty of the petitioner. Any interference by the police without registering any FIR, would amount to violation of the fundamental rights of the petitioner and also against the procedural law.

Having regard to the facts and circumstances, the respondents are directed not to interfere with the personal life and liberty of the petitioner without adopting due process of law. If any report is filed against the petitioner, it is always open for the respondents to register FIR and investigate the case in accordance with law.

With the above observation, this Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH, J

Date: 15.11.2005.

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